

COMMISSION ON JUDICIAL PERFORMANCE
101 Howard Street, Suite 300
San Francisco, CA 94105

Contact: Victoria B. Henley
Director/Chief Counsel
(415) 904-3650

FOR RELEASE
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JUDICIAL PERFORMANCE COMMISSION ISSUES PUBLIC ADMONISHMENT OF
JUDGE THOMAS A. SMITH

The Commission on Judicial Performance has publicly admonished Judge Thomas A. Smith of the El Dorado County Municipal Court, Cameron Park Division. The admonishment is attached.

The commission is composed of six public members, three judges and two lawyers. The Chairperson is the Honorable William A. Masterson of the Court of Appeal, Second Appellate District in Los Angeles.

PUBLIC ADMONISHMENT OF JUDGE THOMAS A. SMITH

The Commission on Judicial Performance has ordered Judge Thomas A. Smith publicly admonished for improper actions within the meaning of Article VI, section 18 of the California Constitution, as set forth in the following statement of facts and reasons found by the commission:

Judge Smith abused his judicial office in 1995 when he utilized the court's computer to obtain and disclose confidential information from computerized records of the Department of Motor Vehicles for a friend.

The California Vehicle Code provides penalties (a fine not exceeding \$5,000 or imprisonment in the county jail not exceeding one year, or both and civil penalties up to \$100,000) for improper disclosure of this information.

The judge's actions on behalf of his friend were improper and unlawful, and constituted disregard of the Code of Judicial Conduct in effect in 1995: Canon 2 required that "A judge should avoid impropriety and the appearance of impropriety in all of the judge's activities." Canon 2A provided: "A judge should respect and comply with the law and should act at all times in a manner that promotes public confidence in the integrity and impartiality of the judiciary." Canon 2B provided: "A judge should not allow family, social, political or other relationships to influence the judge's judicial conduct or judgment. ..."

The Supreme Court in McCullough v. Commission on Judicial Performance (1989) 49 Cal.3d 186 stated, "Using the power of the bench to benefit a friend is a casebook example of wilful misconduct" (at p. 193).

In arriving at this disposition, the commission took into consideration that the judge's conduct was limited to a single instance, the judge candidly admitted wrongdoing and expressed recognition that his action demonstrated "a lapse of good judgment" and he said he has "vowed" to never again access Department of Motor Vehicles information for an unofficial purpose.

The vote of the commission on issuance of the public admonishment was 9 ayes and 1 no (one member was absent).